

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NUNZIO CALCE; ALLEN CHAN; SHAYA  
GREENFIELD; RAYMOND PEZZOLI; SECOND  
AMENDMENT FOUNDATION; FIREARM  
POLICY COALITION,

Plaintiffs,

-against-

THE CITY OF NEW YORK, and DERMOT SHEA,  
in his official capacity as Commissioner of the New  
York City Police Department,

Defendants.

**DECLARATION OF SAMANTHA  
SCHONFELD**

21-CV-8208 (ER)

**SAMANTHA SCHONFELD**, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for Defendants the City of New York (“City”) and Dermot Shea in his official capacity as the Commissioner of the New York City Police Department (“NYPD”).<sup>1</sup> As such, I am familiar with the facts stated below and submit this declaration to place on the record the relevant documents in support of the Defendants’ cross-motion for summary judgment and in opposition to Plaintiffs’ motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.

2. Attached as Exhibit “A” is a true and correct copy of Plaintiffs’ Amended Complaint, dated December 22, 2021.

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<sup>1</sup> Plaintiffs originally named then-NYPD Commissioner Dermot Shea as a defendant in his official capacity as Commissioner of the New York City Police Department. Edward A. Caban replaced Keechant Sewell (who replaced Dermot Shea) as Commissioner of the New York City Police Department on July 17, 2023. Pursuant to Federal Rule of Civil Procedure 25(d), the successor of a public officer is automatically substituted as a party when the originally named public officer “ceases to hold office while the action is pending.”

3. Attached as Exhibit “B” is a true and correct copy of the Expert Report of Robert Spitzer, dated January 3, 2024.

4. Attached as Exhibit “C” is a true and correct copy of New York State Penal Law Section § 265.01.

5. Attached as Exhibit “D” is a true and correct copy of New York City Administrative Code Section § 10-135.

Dated: New York, New York  
April 26, 2024

/s/ Samantha Schonfeld

Samantha Schonfeld  
Assistant Corporation Counsel